## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Crim. No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	

## MOTION TO AMEND ACCESS TO CLASSIFIED NATIONAL SECURITY INFORMATION

COMES NOW, the defendant, by counsel, and moves this Honorable Court to amend the list of defense personnel who are approved by the Court for access to classified documents in the above-styled matter by adding Steven Tabackman, a consultant with respect to utilization of the litigation support system and a potential defense summary witness and, in support thereof respectfully states as follows:

- 1. On January 22, 2002, this Court entered a Protective Order ("the Order") directing that access to classified documents and information, as required by the government's discovery obligations and otherwise as necessary to prepare for proceedings in this case and "[a]ny additional persons whose assistance the defense reasonably requires may only have access to classified information . . . as approved [*inter alia*] after obtaining from the Court an approval for access . . . and after satisfying . . . other requirements in [the] order."
- 2. Inasmuch as the defense requires Mr. Tabackman to have access to these documents in order to prepare for its defense, it is hereby requested that he be added to the list of persons as set forth in ¶12 of the Order.
  - 3. Mr. Tabackman has submitted the required Standard Form 86.

4. Given the large volume of discovery, both classified and unclassified, which the government has produced, the defense needs the support of Mr. Tabackman to assist in the implementation of our litigation support system as well as to provide testimony as a summary witness at trial. This latter role will require Mr. Tabackman to be knowledgeable of information that his classified.

WHEREFORE, for the foregoing reasons, it is hereby requested that:

(a) Steven Tabackman be added to the list of those approved for access to classified documents.

Respectfully submitted,

STAND-BY COUNSEL

/S/ /S/

Frank W. Dunham, Jr. Federal Public Defender Eastern District of Virginia 1650 King Street, Suite 500 Alexandria, VA 22314 (703) 600-0808 Edward B. MacMahon, Jr. 107 East Washington Street P.O. Box 903 Middleburg, VA 20117 (540) 687-3902

/S/

Gerald T. Zerkin Assistant Federal Public Defender Eastern District of Virginia 830 E. Main Street, Suite 1100 Richmond, VA 23219 (804) 565-0880 Judy Clarke Federal Defenders of Eastern Washington and Idaho 10 N. Post, Suite 700 Spokane, WA 99201 (703) 600-0855 /S/
Alan H. Yamamoto
108 N. Alfred Street
1st Floor
Alexandria, VA 22314

(703) 684-4700

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Motion to Amend Access to Classified National Security Information was served upon AUSA Robert A. Spencer, AUSA, David Novak, and AUSA Kenneth Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, VA 22314, via facsimile and by placing a copy BY HAND in the box designated for the United States Attorney's Office in the Clerk's Office of the U.S. District Court for the Eastern District of Virginia and via first class mail to Zacarias Moussaoui, c/o Alexandria Detention Center, 2001 Mill Road, Alexandria, VA 22314 this 12th day of September 2002

/S/	
Frank W. Dunham, Jr.	

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

UNITED STATES OF AMERICA, )
v. ) Crim. No. 01-455-A
ZACCARIAS MOUSSAOUI )
ORDER TO AMEND ACCESS TO CLASSIFIED NATIONAL SECURITY INFORMATION
THIS MATTER came on to be heard upon motion of the defendant to amend access to
classified national security information; and
IT APPEARING to this Court that the government has no objection to this motion and for
good cause shown, it is hereby Ordered that paragraph 12 of the Protective Order of January 22,
2002 is modified to reflect:
1. That Steven Tabackman is hereby approved to have access to classified
information pursuant to the Protective Order dated January 22, 2002, subject to compliance with
all terms and conditions of that Order
4. The Clerk of this Court shall furnish a copy of this Order forthwith to
counsel for the defendant, counsel for the government, and Court Security Officer, Christine E.
Gunning.
ENTERED this day of, 2002.
HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE